

REMARKS

This Amendment is submitted in response to the Office Action mailed February 9, 2005.

Response to Claims Objections

The Examiner has objected to certain informalities in claims 1 and 15. The applicant has amended claims 1 and 15 to correct the informalities. Specifically, the Applicant has corrected the spelling of the word "least" in both claims 1 and 15, and the word "lowering" in claim 15. Furthermore, the Applicant has corrected the missing part b of claim 15.

The applicant has also made changes to claim 16, which changes are necessary as a result of the amendments to claim 15 on which claim 16 is dependent.

Response to Claims Rejection under 35 USC Section 112

The Examiner has rejected claim 10 because a claimed feature lacks antecedent basis. The claim has been amended as seen below to correct the omission.

"10. (Currently Amended) The portable lifting device of claim ~~1~~2, wherein said securing means comprises at least one strap."

Traverse of Rejections under 35 USC Section 102(b)

The Examiner has rejected claims 1-4, 7, and 9-14 under 35 USC Section 102(b) as being anticipated by Shields (patent number 3,796,404). In rejecting the listed claims, the Examiner asserts that Shields discloses an apparatus for lifting cargo. However, the Applicant respectfully

notes that the apparatus disclosed in Shields is a tie-down for securing cargo to the deck of a ship, and that the Shields device cannot under any circumstances be used to lift objects because the top plate is fixed to the deck of a ship.

More specifically, the device of Shields prevents a load from moving relative to the deck, whereas the Applicant's invention is used to lift items away from a support surface such as the deck of a ship. Thus, the device disclosed in Shields does not disclosed the invention claimed in claims 1-4, 7, and 9-14), because the invention claimed in claims 1-4, 7, and 9-14 include the inherent novel and non-obvious feature not disclosed in Shields of being liftable.

The applicant has amended claim 1 to clarify the assertion above by amending the preamble of claim 1 to read as follows: " A lifting device for moving an item relative to a support surface, the lifting_device_comprising:" Other amendments made in claim 1 are made to clarify the intended scope of the claim and are not made in response to the Examiner's rejection. Allowance of claim 1 is respectfully requested.

With regard to the other rejected claims, in addition to novel and non-obvious features disclosed in claims 2-4, 7, and 9-14, these claims are dependent on claim 1 which has previously been shown to be allowable. Therefore, claims 2-4, 7, and 9-14 should also be in allowable form. Accordingly, allowance of these claims is also respectfully requested.

Traverse of Rejections under 35 USC Section 103(a)

The Examiner has rejected claims 1-9, and 12-16 under 35 USC Section 103(a) over Leonard (patent no. 4,925,226) in light of Loomis (patent no. 7,749,438). Reciting the features disclosed by Leonard, the Examiner states: "...said weighted body being insertable through said entry hole in said top panel, but not through said at least one slot...."

The applicant respectfully notes that Leonard discloses a single slot shaped hole in the top panel. The weighted body of Leonard can enter and exit freely through the slot shaped hole, and must be turned and a lock plug 31 inserted so that the weighted body of Leonard cannot be pulled free.

This is quite different from the claimed structure of the Applicant's device. The Applicant's claimed invention has a distinct entry hole and a distinct but connected slot. Once the weighted body is inserted through the entry hole, it is moved under the slot so that it cannot be pulled free. No turning or lock plug is required.

The Leonard reference does not disclose the structure of the top plate claimed by the Applicant. Accordingly, the combination of Leonard and Loomis does not create the applicant's invention. The applicant respectfully requests that the Examiner allow claims 1-9, and 12-16.

Other Matters.

The Applicant has made several minor amendments to the specifications intended to correct typographical errors and/or clarify passages of text. Claims 4, 8, and 14 were amended to clarify the intended scope of the claims, and are not changed in response to the Examiner's rejections. Also, new claims 17-19 have been added.

CONCLUSION

For all the reasons above, Applicant submits that the claims all define novel subject matter that is nonobvious. Therefore, allowance of these claims is submitted to be proper and is respectfully requested.

The Applicant invites the Examiner to contact Applicant's representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Very respectfully submitted,

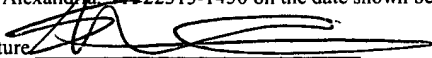
Gregory Scott Smith
GSS Law Group
3900 Newpark Mall Rd
Third Floor, Suite 317
Newark, CA 94560

Reg. No. 38,309
Phone (510) 742-7417
Fax (510) 742-7419

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature


Evanjin M. Dasalla

Date: August 2, 2005